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Of Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

**SHANNON PHILLIPS,**

Plaintiff,

vs.

**TIDEWATER BARGE LINES, INC., an  
Oregon corporation; and BARGE NO. 2,  
including her valves, pumps and  
equipment,**

Defendants.

Civil No. CV 05 1157 ST  
In Admiralty

AFFIDAVIT OF PAT JENSEN

**STATE OF WASHINGTON** )  
County of Franklin )ss.

I, Pat Jensen, being first duly sworn, depose and say that:

1. At all times material to this action I was and still am General Manager of Tidewater Terminal Company. I have personal knowledge of and am competent to testify to the following:

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2. Tidewater Terminal Co. hired Plaintiff Shannon Phillips. Shannon Phillips was employed by Tidewater Terminal Co. Tidewater Terminal Co. directed his work and paid his salary.

3. Though the president of Tidewater Barge Lines is consulted regarding hiring and firing decisions, those decisions regarding employees of Tidewater Terminal Company are generally made by Tidewater Terminal Company.

4. Prior to the accident at issue in this case, Shannon Phillips was employed as a tankerman. As such, he was responsible for the barge during loading and off-loading of liquid products, including petroleum and fertilizer. These duties included: connecting the transfer hose; gauging the barge; conferring with the Dockman prior to transfer; starting pump engines; operating the appropriate valves before; during and after the transfer; and reconciling the amount of product received or delivered to or from the barge.

5. Shannon Phillips has also worked for TTC as a Dockman and Terminal Operator. His duties in those positions were also shore-based, and included operating the terminal's tanks, valves and piping systems for delivery or receipt of product from barge, rail, truck and pipeline. Maintenance of terminal tanks, valves, pipelines and other equipment is also part of the Terminal Operators job.

6. Shannon Phillips has been a good worker, and a valued employee, but he has never been a member of the crew of any vessel during his employ with Tidewater Terminal Co.

7. At all times during his employ with TTC, Shannon Phillips was never required to spend the night on a vessel incident to his employment. Shannon Phillips was a land-based worker. His duties never took him to sea and were generally limited to the loading and unloading of cargo from various barges. He was not required to move any vessels or assist in the movement of any vessels. He typically did not board any vessels until they were tied to the dock.

8. Tidewater Terminal Co. purchased Long Shore Harbor Workers' Compensation

insurance through the State Accident Insurance Fund ("SAIF"). Following his injury Shannon Phillips has received benefits from SAIF.

Dated this 21 day of December, 2005.

By:

Pat Jensen  
Pat Jensen

SUBSCRIBED AND SWORN to before me this 21 day of December, 2005



Shannon Phillips  
Notary Public for Washington

Commission expires: 10/18/2008